

## ROOT BACKS WEAVER. RESULT OF CONFERENCE.

Advises Philadelphia Mayor He May Bring Criminal Actions.

Philadelphia, July 17.—As a result of advice received from Elihu Root, special counsel for Mayor Weaver, it is probable that the Mayor will, within a few days, institute criminal prosecution against certain persons prominent in municipal affairs. Mr. Root advises the Mayor that, in the face of the refusal of District Attorney John C. Bell to take the initiative in bringing further prosecutions, the Mayor should exercise his right to go before a magistrate and carry the prosecutions as far as the law will permit him.

This opinion was sent to Mayor Weaver to-day and was the result of a conference held in New-York last Friday. Those who participated in the conference, besides Mr. Root and the Mayor, were Wayne MacVeagh, former United States Attorney General, who is special counsel for the Committee of Nine of this city; former Judges James Gay Gordon, private counsel for Mayor Weaver; Julien T. Davies and Joseph E. Auerbach of counsel for the Committee of Seventy.

The purpose of the conference was to decide whether the Mayor should take the initiative in further prosecutions, the District Attorney having refused to do so. Mayor Weaver and Judge Gordon last week requested that the District Attorney, in drawing up indictments against Councilman Frank H. Caven and John Hill, former chief of the Bureau of Filtration, should bring the charge of conspiracy with certain other persons to defraud the city. Councilman Caven is under bond for violating his oath in being interested in city contracts, and former Chief Hill is under bonds to answer charges of forgery and falsification of records in connection with contracts for the construction of the city's filtration plants. At the hearing given both men before a magistrate the name of the contracting firm of D. J. McNichol & Co., which is constructing the greater part of the filtration system, was frequently brought in by witnesses. The members of this firm are Israel W. Durham, former Insurance Commissioner and leader of the local Republican organization; State Senator James P. McNichol, and his brother Daniel J. McNichol.

The District Attorney, in refusing to add the charge of conspiracy to the indictment drawn up against Caven and Hill, and to initiate criminal proceedings against "certain other persons," said that such charges, based on the evidence taken at the Caven and Hill hearings, could not, under the law, be made. He suggested that the Mayor take the initiative. Mayor Weaver and Judge Gordon insisted that it was the District Attorney's duty to begin prosecutions, they declaring that the evidence in his hands warranted him in so doing. Mr. Bell persisted in his refusal, and the New-York conference followed.

In the midst of the controversy between District Attorney Bell and the Mayor's counsel, Mr. Bell to-day sustained a broken leg through the falling of an elevator in an office building. Whether this accident will delay the trials of Caven and Hill is not known.

Mr. Root's opinion on the question was sent by letter to Mayor Weaver to-day. It is as follows:

I have discussed very fully with Mr. MacVeagh, Judge Gordon, Mr. Davies and Mr. Auerbach the facts bearing upon the determination of your present duty in regard to further criminal prosecution for the frauds against the city of Philadelphia, clearly indicated by the testimony already taken and by the further evidence which your counsel have collected.

It appears by the correspondence between Judge Gordon and District Attorney Bell that you have caused the evidence of grave crimes by a number of powerful and important persons in the city of Philadelphia to be laid before the District Attorney, and that he has been requested to proceed with proper prosecutions for such crimes either before the Grand Jury of the county or before a committing magistrate, and that he has practically declined to do either, suggesting that you should proceed before a magistrate as a private prosecutor.

The reasons which lead the prosecuting officer to take this course I shall not discuss. The real fact alone is important for present consideration.

It is your duty as Mayor of the city to see that the laws are enforced, and when you find that they are being set at naught by criminal combinations, it is your duty to bring the facts to the knowledge of the proper officer who is elected by the people to prosecute crime, and it then becomes his duty to prosecute and not yours.

I think you have done what the law requires of you in this regard, and that if the prosecuting officer fails for want of further action, no one can justly say that it is through any failure of your part that the law is being set at naught. Although the law does not require you to prosecute, it permits you to do so, and the point where the power of the committing magistrate goes into the hands of the district attorney.

I think that in default of the action which ought to be taken by the public prosecutor, the great interest which you have undertaken to subscribe demand that you should nevertheless exercise your right to go before a magistrate and carry these prosecutions as far as the law permits you to do.

In doing this you should, I think, invite the aid and co-operation of the District Attorney, giving him every possible opportunity to take part in the prosecutions and to perform the duty for which he is elected.

Crimes committed by men who have political power are often sheltered behind official indifference, and if the prosecutions then fail, after due diligence on the part of the public prosecutor, you will not be the first public officer who has done a great public service against the resistance of those from whom the service ought to come. There is more at stake here than the mere punishment of isolated offenders. There is the question whether your city shall continue to be governed by criminals or shall take its place on the list of American cities capable of honest self-government. To secure the right solution of this question you cannot omit any proper and lawful efforts.

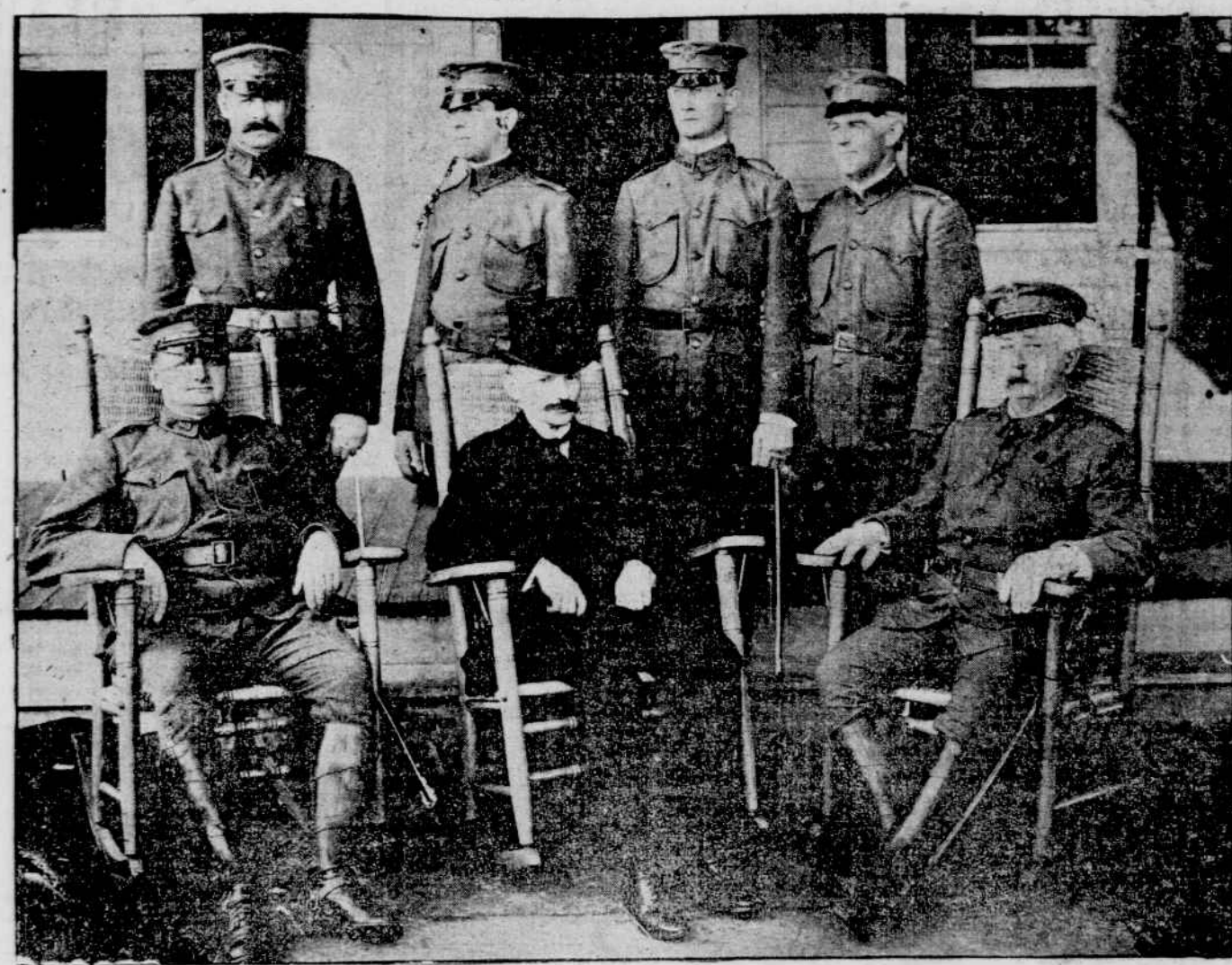
When you have carried the prosecutions, either with or without the District Attorney's aid, through the hands of the committing magistrate, you will have done everything within your power, and if the prosecutions then fail, after due diligence on the part of the public prosecutor, you will not be the first public officer who has done a great public service against the resistance of those from whom the service ought to come. There is more at stake here than the mere punishment of isolated offenders. There is the question whether your city shall continue to be governed by criminals or shall take its place on the list of American cities capable of honest self-government. To secure the right solution of this question you cannot omit any proper and lawful efforts.

I wish you godspeed in your further efforts. ELIHU ROOT.

CATERPILLARS TEN CENTS A QUART. The Newark City Shade Tree Commission yesterday announced that it would pay 10 cents a quart for caterpillars, cocoons and insect masses gathered from the trees in the parks or streets. A representative of the commission will be at the Newark City Shade Tree Commission every afternoon to receive the insects and pay the money. Permission is granted to climb the trees.

## GOVERNOR STOKES OF NEW-JERSEY AND HIS STAFF AT THE SEA GIRT CAMP.

(Copyright, 1905, by B. F. McManus.) (For story of the day at the Sea Girt Encampment see page 10.)



## FIRE ON RIKER'S ISLAND.

BURNING FOR TWO WEEKS.

Dumping of Rubbish Tied Up—Can't Put Out Blaze.

A fire has been smouldering and blazing over the four dumping grounds of the Department of Street Cleaning on Riker's Island for the last two weeks, and is likely to continue smouldering and at times blazing for months to come. The flames began in an unknown manner in the paper and ashes and grew to such proportions that the dumping of refuse was suspended from Monday to Friday, while all the regular department docks and a number of private ones became surrounded with boats filled with waste that could not be removed.

A couple of days after the flames appeared the fireboat Zophar Mills was sent to the island to pump water on the refuse, but it could not go near enough to be of service. Fire Chief Croker and Commissioner Woodbury of the Street Cleaning Department went over the territory menaced by the fire and planned a campaign to check it. The fireboat and the firemen who were first sent to fight the flames were sent back to the city and the operations were placed in the hands of the employees of the Street Cleaning Department.

From Monday to Friday of last week the department docks at Clinton, 46th, 61st and 110th sts., along the East River, and at Canal-st. and the Hudson River were so surrounded with scows loaded down with paper and ashes that the department was compelled to press into service the private docks at Jackson, 40th, 62d and 107th sts., along the East River, and at 30th and 47th sts., on the Hudson river. One loaded scow was moored at the private dock at the foot of East 46th-st. for the same period. The moorage cost the city \$7 a day for the five days.

On Saturday the fire on the dumps was so well under control that the loaded scows were sent from their docks to the island and dumped. This made it possible for the department to give up the private docks for the time. Yesterday morning the fire broke out anew and the dumping of waste material was once more stopped. The department officials said last night that they hoped to have the fire well under control by this morning, and that they did not think that the use of private docks would again be resorted to. Captain Gibson, deputy commissioner of the department, said yesterday:

We hope to have the fire well under control at Riker's Island to-night, so that we can begin dumping refuse there. The fire will probably continue to smoulder for several months. It has no idea how it started originally, a couple of weeks ago. Spontaneous combustion of oil rags or the lighting of matches in the rubbish may have been the cause. The fire made the island so hot that you could feel the heat through the soles of your shoes as you walked.

The rumor that there has been any "graft" in the hiring of the private docks by this department is untrue. We used private docks only when our own were surrounded with loaded scows, and the private docks that we used were those best situated and fitted for our purposes.

The owners do not want us to use their docks, because the city pays the smallest dumping rates. We dumped from private docks between 2.50 and 3.00 carloads of rubbish. For the privilege we paid 30 cents a load. The ordinary contractor, who uses much smaller carts for dumping purposes than the city, pays the private dock owner between 25 and 40 cents a cartload. I do not think that it will be necessary to resort to the use of private docks again.

## BOLT STARTS STOVE.

Lightning Goes Down Chimney in Connecticut House.

Meriden, Conn., July 17.—In a hard thunder-storm last evening the lightning came down the chimney of Alderman W. A. Penfield's house, at No. 45 Randolph-ave., and set fire to some wood and paper that were in the kitchen stove.

There had been no fire in the stove, Mr. Penfield says, for a week or more, and the cooking for the family had all been done on a gas range. Some loose wood, waste paper, etc., had been put into the box and a paper spread over the top of the stove.

The first intimation the occupants of the house had of the prank of the lightning was when they smelled smoke. Some one hastened to the kitchen at once and found that the paper on top of the stove had begun to smoulder. A further investigation showed that a fire was burning briskly in the stove.

In the shower an exceptionally loud clap of thunder was heard by those in the house, but neighbors remember a sharp flash of lightning. The fact that a bolt entered the chimney, ignited the fire and did not disturb the occupants of the house is regarded as marvellous.

## BURGLARY, THEFT AND LARCENY.

Before closing your home for the summer secure a policy in THE FIDELITY AND CASUALTY COMPANY. Policies cover losses due to burglary and larceny, thefts and guarantees the honesty of servants. For rates and particulars, apply to any broker or to 66 Pine Street, New-York City.—Adv.

## NEWS ON OTHER PAGES.

Panama engineers disagree on type of canal. Page 3.  
 Equitable legislative investigation prevented. Page 3.  
 Hooker trial resumed at Albany. Page 14.  
 Justice Gaynor attacks corporation laws. Page 9.  
 District leadership war in the 15th. Page 3.  
 "Autos" climb Mount Washington. Page 8.  
 Beals C. Wright wins lawn tennis match in London. Page 4.  
 Mr. Groulx examined in the Brisbane libel suit. Page 8.  
 Zemstvos likely to hold Congress. Page 2.  
 Biondi, the sculptor, seriously ill. Page 7.

## LONDON TRACTION PLAN.

Lines to Cost \$120,000,000 Proposed by Royal Commission.

London, July 17.—A bulky blue book, issued to-night, contains the report of the royal commission on locomotive transport in London. The advisory board of engineers recommends the construction of two main avenues through London, 140 feet wide and between four and five miles long, carrying four lines of tramways on the surface and four lines of railways below the surface. It is estimated that the cost of construction will be \$120,000,000.

## FIGHTS BEHIND FIRE.

Negro Resists Arrest in Blazing Highway—Finally Captured.

(BY TELEGRAPH TO THE TRIBUNE.)  
 Wilmington, Del., July 17.—Lottie Madella, colored, swore out a warrant for Andrew Davis, a desperate negro, on the charge of threatening to kill. Constable Price and four deputies went to serve it. Davis locked himself in his home and, going to the second floor, set fire to the stairway to prevent capture. Standing at the head of the stairs with a billiard cue in one hand and a razor in the other, he defied the constables, who had succeeded in opening the front door.

Two constables climbed in a rear window by a ladder. Davis refused to surrender, and Constable Price shot through the door, the bullet taking effect in the negro's hand. The door was broken open, and then the desperado made a lunge at Constable Price with a razor. The deputies, however, brought a baseball bat into action on Davis's head with telling effect. He was finally arrested.

## PRINCE HENRY BUYS GEM.

Maine Tourmaline, Found in a Country Road, Now Valued at \$30,000.

(BY TELEGRAPH TO THE TRIBUNE.)  
 Boston, July 17.—Prince Henry of Prussia has just purchased for \$30,000 through an agent a wonderful Maine tourmaline, which the original owner, Wesley Wight, a Bethel (Me.) farmer, found kicking about a country road. Wight has never fagged himself for parting for a trifle with a gem which has become valuable, but he is not alone in his regrets, for a Bethel jeweller said it for only a small fraction of its real value to Tiffany & Co. of New-York. The latter, however, handled the stone in a different manner from the country lapidary, and their best workmen brought out all the inherent beauty there was in it. The price they asked, however, was comparatively nominal, and a Chicago jeweller secured it. While it was in this jeweller's hands Prince Henry saw it, and reserved it for purchase. He recently sent over one of the most famous lapidaries of Berlin to buy it, and the latter paid \$30,000 for it in Prince Henry's name.

## WILLIAM F. HUBBARD DROWNED.

Agricultural Department Forester Loses His Life in the Potomac.

Washington, July 17.—William F. Hubbard, twenty-eight years old, an assistant in the forestry service of the Department of Agriculture, was drowned to-day in the Potomac river, a mile and a half below Great Falls, Md., fourteen miles from here. Mr. Hubbard, in company with Robert W. Ayres, an office associate, was returning in a canoe to Washington from Riker's Ferry, where they went on Saturday for a short outing, when the canoe overturned, throwing both men into the water. Hubbard perished in endeavoring to swim ashore, but Ayres saved himself by clinging to the canoe. Hubbard came here three or four years ago from Toronto, Canada, and was an expert canoeist and swimmer. The body has not been recovered.

## DEWEY'S OLD PORT FOR INVALIDS.

Will strengthen the Weak and Conquerance. H. T. Dewey & Sons Co., 138 Fulton St., New York.—Adv.

## NEGROES AGAIN RIOTING.

MANY SHOTS FIRED.

Several Arrests Made—Policeman Badly Injured.

Trouble between negroes and the police broke out afresh after 12:30 a. m. to-day on the West Side. Policemen David Roche, Everett Fayer, Benjamin Connors and McKneisch were returning to the West 68th-st. station, and while passing the saloon at No. 238 West 62d-st. were jeered at by a crowd of twenty negroes who were on the stoop. The policemen turned, and just then one of the men threw a brick which struck Roche on the head, knocking him senseless. The three others charged with their nightsticks, and were met by a fusillade of bricks that had evidently been gathered in the hallway. Other policemen came from Amsterdam and West End aces, and a dash was made into the saloon, in the rear room of which more than twenty negroes were found. The negroes opened fire with their revolvers, and their fire was returned by the policemen. Then the crowd fled, and were pursued to various houses in the block.

The police captured Arthur Moody, of No. 238 West 62d-st., who is said to have been the man who threw the brick at Roche and who when cornered on the roof put up a strong fight with bricks which had been piled there ready for use against policemen.

George Foster, proprietor of the saloon, who is better known as "The Duke," was also arrested, with eleven other colored men. Roche was removed to Roosevelt Hospital, where it was feared that he had a fractured skull. The rioting spread to 61st-st., in a saloon at No. 234. The fight entered two shots were fired at them. After a long struggle the police succeeded in arresting four men and three women. They were taken to the West 68th-st. station house.

By that time Captain Conroy, of the 68th-st. station, had arrived, with all of the reserves, and after the last colored man had been driven to the street the riot seemed to be at an end for the time being. There were forty men on duty in the district at 2 o'clock this morning.

It was in front of Foster's saloon, where Roche was attacked last night, that Roundsman Walsh was attacked and severely injured during the rioting of Friday night.

After the prisoners had been taken to the station it was found that Moody, the alleged assailant of Roche, had been shot in the back. Robert Christopher, of No. 224 West 62d-st., had been shot in the leg and the bone broken, and John Fernando, of No. 213 West 53d-st., had a bullet in the head. All were sent to Roosevelt Hospital, where it was said that their condition was not serious.

There was a lively fight earlier in the day downtown in the Hell's Kitchen district, which might have proved serious had it not been for the early arrival of the reserves of the Tenderloin, West 47th-st. and West 68th-st. stations. The fight started with the attempt to evict Josephine Tompkins, a burly negro, from her three rooms in the double tenement house Nos. 412-414 West 38th-st.

On the arrival of the reserves the whites and blacks who had been waiting for trouble began to seek it. Small boys and women threw stones from the windows and egged the crowd on, but the police finally dispersed the mob with their nightsticks before anyone was badly hurt.

## BRITISH SQUADRON LEAVES BREST.

Admiral May Entertains French Officers—British Commanders Decorated.

Brest, July 17.—The festivities in connection with the visit of the British squadron to Brest ended to-day. Admiral May, of the British squadron, entertained the French admirals and the principal officers of the French squadron at luncheon on board his flagship. Speeches expressive of hearty good will were exchanged. Vice-Admiral Caillaud, of the French squadron, presented the cross of the Legion of Honor to each of the British commanders. The British squadron then sailed, saluted by the French squadron, while the crowds gathered along the shore cheered enthusiastically.

## RIDES 100 MILES TO AID.

Physician, Using Four Relays of Horses, Takes Eleven Hours.

Meeteetse, Wyo., July 17.—Three men were killed and four were injured to-day by an explosion in the Kerwin gold mine. There was no doctor nearer than Thermopiles, 100 miles to the southeast, but Dr. Richards, of that place, covered the distance, over mountainous roads, in a little less than eleven hours. Four relays were used by him in making the trip, ranchmen along the route supplying the horses.

Weather delightful in the Adirondack Mountains. Only eight to twelve hours from New York by New York Central. Ask ticket agents for particulars.—Adv.

## M. WITTE DOUBTS PEACE.

FEAR OF JAPAN'S TERMS.

Russia, He Says, Will Unite for War Against National Dishonor.

St. Petersburg, July 17.—M. Witte, the senior Russian peace plenipotentiary, received the correspondent of The Associated Press at his villa on Yelagin Island this morning. In according an interview he said he expressly desired it stated that he had declined all previous requests of journalists for interviews and would decline all future requests. He further said that he made an exception in this case as he was about to become the temporary guest of the United States. He added that the interview might be considered a mark of the particular sympathy he felt toward that great country.

M. Witte received the correspondent in the cabinet of his villa, which overlooks a large park, in front of which runs the Neva. His coffee was still before him, and he was already deep in the mass of mail on his desk. A memorandum in front of him was filled with engagements.

M. Witte spoke in French. After greetings the conversation turned to the high mission with which the Russian statesman is charged, and the disposition of the foreign press to interpret his appointment as an indication that Russia had decided to make peace at any price.

"No! no!" said M. Witte, straightening up in his chair and speaking slowly and distinctly, as if weighing the value of each word. "In the first place, I have been designated by the Emperor as my Ambassador Extraordinary for plenipotentiaries with the Japanese plenipotentiaries to ascertain whether it is possible to conclude a treaty of peace. My personal views are of secondary importance, but my ideas are in entire accord with those of my friend Count Lamsdorff." M. Witte continued:

In serving my Emperor, I have received precise instructions from his majesty and shall follow them. The ultimate decision remains in the hands of the Emperor, and it is for him to decide the destiny of Russia. The Emperor is the friend of peace and desires peace, but I very much fear that the Japanese terms will be such that we shall be unable to reach an accord.

The world should disabuse its mind of the idea that Russia wants peace at any price. There are two parties in Russia. One favors the continuation of the war for a furtherance, this is a large and influential party. The other, to which I belong, favors peace. I avow it frankly, because telling the truth has always been my rule in politics. I was for peace before hostilities broke out. When the war began the situation changed.

Even though there are these two parties as to the advisability of ending the war in the present circumstances, both would be united in the Japanese demands wounded the amour propre of the Russian people, or jeopardized our future as a nation. I am sure if I report that the conditions of Japan cannot be accepted, Russia will accept the verdict, and the Russian people will be ready to continue the war for years if necessary.

Russia is not on the verge of dissolution as the foreign press has led the world to believe. That the interior situation is very serious, I do not deny; but in Europe and America the true significance of what is happening is not understood. Correspondents come here and talk with a few hundred people in St. Petersburg and Moscow, misinterpret what is happening, and fill the world with false impressions as to Russia's future.

Russia has little resemblance to Western countries. To know Russia, to understand the soul of the Russian people, it is necessary that one should have been born here or should have lived many years in Russia. The customs, history and psychology of the people are entirely different from those of Western nations, and Russia cannot be judged by Western standards. It is such an immense country, composed of diverse elements and interests, yet the Russian people are like a great family. At present they are torn by internal dissensions, but these divisions would disappear should the people really feel that the integrity of the country and its future destiny were at stake.

Russia is not on the verge of dissolution as a great power, and is not obliged to accept any conditions in Russia, in spite of the military reverses she has sustained.

We are passing through an internal crisis, which has been marked by many grave events, and which may have others still in store, but the crisis will pass, and in a few years Russia will again take her place as a preponderant power in the European concert.

## ALL SAGHALIEN SEIZED.

Japanese Said To Be Organizing Insular Government.

London, July 18.—The correspondent of "The Daily Mail" at Hakodate, Japan, says that the Japanese have practically completed the occupation of the island of Saghalien and are organizing a government.

The Shanghai correspondent of "The Standard" says that the Japanese have landed on Saghalien 125 miles of light railway and three thousand coolies.

The start was made at 4:02 p. m. from Flat Rock, which is on the American side. The swimmers did not venture in the upper rapids, where Captain Webb lost his life about twenty-five years ago.

Both men wore lifebelts and inflated rubber rings around their necks. From the start Glover took the lead. He entered the rapids about a minute ahead of Graham. Until the Devil's Rapids was reached, the swift current and roaring rapids had the swimmers in their grasp. About that point a swirling eddy caught Glover, and he was down fully two minutes. His lifebelts saved him. Graham by this time had gained on Glover, and when the two men reached the end of the rapids just above the Suspension Bridge at Lewiston, there was but a little distance between them.

Swimming in the swift, smooth current was hard for Graham, but evidently easy for Glover. At 4:28 o'clock Glover was pulled up on the dock at Lewiston. About fifteen minutes later he was dressed and telling his story. Graham had to be taken to a hotel in a wagon, and did not leave bed until late in the afternoon. Neither of the men was injured.

## SWIM NIAGARA RAPIDS.

Two Men Race Across River—Neither Injured.

Niagara Falls, N. Y., July 17.—Carleton D. Graham, of this city, and William J. Glover, Jr., of Baltimore, successfully swam the lower rapids of the Niagara River from the American side to the whirlpool to Lewiston this afternoon. Glover beat Graham by four minutes. The distance of four miles was covered in twenty-six minutes by Glover.

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## HEAT BREAKS RECORD.

ICE HANDLERS STRIKE.

Thermometer Reached 95 Degrees—Same Predicted for To-day.

How the Temperature Here Rose.

	Temperature		Temperature
6 A. M.	70	12 M.	90
8 " "	74	2 P. M.	93
10 " "	83	4 " "	95
11 " "	89		